

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

ANTHONY ZAPPIN,

Plaintiff,

v.

CIVIL ACTION NO. 3:15-13706

GRAY TELEVISION GROUP, INC.,

Defendant.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that Defendant's Motion to Dismiss Plaintiff's First Amended Complaint (ECF No. 10) be granted; that Plaintiff's First Amended Complaint (ECF No. 9) be dismissed; that Defendant's Motion to Dismiss Plaintiff's Complaint (ECF No. 5) be denied as moot; and this action be removed from the docket of the Court. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **ORDERS** that Defendant's Motion to Dismiss Plaintiff's First Amended Complaint (ECF No. 10) be **GRANTED**; that Plaintiff's First Amended Complaint (ECF No. 9) be **DISMISSED**; that Defendant's Motion to Dismiss Plaintiff's Complaint (ECF

No. 5) be **DENIED as moot**; and this action be removed from the docket of the Court, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: April 22, 2016

  
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ROBERT C. CHAMBERS, CHIEF JUDGE